

**RECEIVED FOR SCANNING**  
**VENTURA SUPERIOR COURT**

PLD-PI-001

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>ROBERT J. STOLL, III, SBN 236031</b>  <b>STOLL, NUSSBAUM &amp; POLAKOV, APC</b>  <b>11620 WILSHIRE BLVD., SUITE 500</b>  <b>SUITE 200</b>  <b>LOS ANGELES, CA 90025</b>          TELEPHONE NO: 310-996-7500 FAX NO. (Optional): 310-575-4353          E-MAIL ADDRESS (Optional): mail@stollllaw.com          ATTORNEY FOR (Name): <b>Plaintiffs</b></p>	<p><b>OCT 08 2020</b></p> <p>FOR COURT USE ONLY</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA</b>          STREET ADDRESS: <b>800 S. VICTORIA AV</b>          MAILING ADDRESS:          CITY AND ZIP CODE: <b>VENTURA, CA 93009</b>          BRANCH NAME: <b>VENTURA HALL OF JUSTICE</b></p>	
<p><b>PLAINTIFF: EVANGELINA ZAVALA, MARCOS ZAVALA, a minor by and through his Guardian Ad Litem Evangelina Zavala, MANUEL ZAVALA, and LEONARDO PRADO, a minor by and through his Guardian Ad Litem Elsa Prado</b>  <b>DEFENDANT: TRI TECH RESTORATION CO., INC., FLORENTINO CANTERO AND</b></p> <p><input checked="" type="checkbox"/> DOES 1 TO <u>50</u></p>	
<p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b>  <input type="checkbox"/> AMENDED (Number):          Type (check all that apply):  <input checked="" type="checkbox"/> MOTOR VEHICLE      <input checked="" type="checkbox"/> OTHER (specify): LOSS OF CONSORTIUM             <input checked="" type="checkbox"/> Property Damage      <input type="checkbox"/> Wrongful Death             <input checked="" type="checkbox"/> Personal Injury      <input checked="" type="checkbox"/> Other Damages (specify): NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS</p>	
<p><b>Jurisdiction (check all that apply):</b>  <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE             Amount demanded      <input type="checkbox"/> does not exceed \$10,000             <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000  <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint             <input type="checkbox"/> from limited to unlimited             <input type="checkbox"/> from unlimited to limited</p>	
<p>CASE NUMBER:</p>	

1. Plaintiff (name or names): **EVANGELINA ZAVALA; MARCOS ZAVALA, a minor; MANUEL ZAVALA; and LEONARDO PRADO, a minor**  
 alleges causes of action against defendant (name or names): **TRI TECH RESTORATION CO., INC., FLORENTINO CANTERO AND DOES 1-50**
2. This pleading, including attachments and exhibits, consists of the following number of pages: **8**
3. Each plaintiff named above is a competent adult
  - a. ☒ except plaintiff (name): **Marcos Zavala**
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☒ a minor ☐ an adult
      - (a) ☒ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):
  - b. ☒ except plaintiff (name): **Leonardo Prado**
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☒ a minor ☐ an adult
      - (a) ☒ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

*Handwritten initials*

SHORT TITLE: ZAVALA, ETC. v. TRI TECH RESTORATION CO., INC., ET AL

CASE NUMBER:

4. ☐ Plaintiff (name):  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): Tri Tech Restoration Co., Inc.
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- c. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- b. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☐ Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1 to 50 \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.  
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (specify):

SHORT TITLE: ZAVALA, ETC. v. TRI TECH RESTORATION CO., INC.,  
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):
- a. ☒ Motor Vehicle
  - b. ☒ General Negligence
  - c. ☐ Intentional Tort
  - d. ☐ Products Liability
  - e. ☐ Premises Liability
  - f. ☒ Other (specify): Loss of Consortium; Negligent Infliction of Emotional Distress
11. Plaintiff has suffered
- a. ☒ wage loss
  - b. ☒ loss of use of property
  - c. ☒ hospital and medical expenses
  - d. ☒ general damage
  - e. ☒ property damage
  - f. ☒ loss of earning capacity
  - g. ☒ other damage (specify): Plaintiff EVANGELINA ZAVALA has sustained personal injuries as a direct and proximate result of the negligence and carelessness of defendants, and each of them, all of which injuries have caused and continue to cause plaintiff great mental, physical and nervous pain and suffering. Plaintiff is informed and believes and thereon alleges that her injuries will result in some permanent disability to her, ali to her general damages.
12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are cont. pgs 4-5
- a. ☐ listed in Attachment 12.
  - b. ☐ as follows:
13. The relief sought in this complaint is within the jurisdiction of this court.
14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. (1) ☒ compensatory damages
  - (2) ☐ punitive damages
- The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
- (1) ☒ according to proof
  - (2) ☐ in the amount of: \$
15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: October 6, 2020

Robert J. Stoll, III  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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INC., ET AL

CASE NUMBER:

1. Plaintiff, MARCOS ZAVALA, a minor, has suffered loss of earning capacity, hospital and medical expenses, loss of use of property, and general damages.

Plaintiff has sustained personal injuries as a direct and proximate result of the negligence and carelessness of defendants, and each of them, all of which injuries have caused and continue to cause plaintiff great mental, physical and nervous pain and suffering. Plaintiff is informed and believes and thereon alleges that his injuries will result in some permanent disability to him all to his general damages.

2. Plaintiff MANUEL ZAVALA has suffered a loss of consortium.

The serious, disabling and permanent damages and injuries sustained by MANUEL ZAVALA'S wife, EVANGELINA ZAVALA, have rendered her incapable of providing to plaintiff MANUEL ZAVALA her spousal society, comfort, protection, services, support, sexual companionship, and spousal consortium. Plaintiff is informed and believes and thereon alleges that his wife's injuries will result in some permanent disability to her, all to his general damages.

3. Plaintiff, LEONARDO PRADO, a minor, has suffered loss of earning capacity, hospital and medical expenses, loss of use of property, and general damages.

(Required for verified pleading) The items on this page stated on information and belief (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with this court.

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CASE NUMBER:

Plaintiff LEONARDO PRADO has sustained personal injuries as a direct  
and proximate result of the negligence and carelessness of defendants, and  
each of them, all of which injuries have caused and continue to cause  
plaintiff great mental, physical and nervous pain and suffering. Plaintiff  
is informed and believes and thereon alleges that his injuries will result  
in some permanent disability to him all to his general damages.

Plaintiffs pray:

For judgment for costs of suit, for such releif as is fair, just, and  
equitable; and for

XX Compensatory damages;

XX (Superior Court) according to proof;

XX For general damages according to proof and prejudment interest  
pursuant to Civil Code Sectionm 3291;

XX For loss of consortium as to Manuel Zavala

(Required for verified pleading) The items on this page stated on information and belief (specify item numbers, not line numbers):

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SHORT TITLE: ZAVALA, ETC. v. TRI TECH RESTORATION CO., INC., ET AL

CASE NUMBER:

FIRST CAUSE OF ACTION—Motor Vehicle  
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): EVANGELINA ZAVALA; MARCOS ZAVALA, a minor; MANUEL ZAVALA; and LEONARDO PRADO, a minor

MV-1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred on (date): May 28, 2019

at (place): SR-126 E/B (East Telegraph Road) just east of Cavin Road in the unincorporated area of Ventura, County of Ventura, State of California

MV-2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names): FLORENTINO CANTERO

☒ Does 1 to 50

b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names): TRI TECH RESTORATION CO., INC.

☒ Does 1 to 50

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names): TRI TECH RESTORATION CO., INC.

☒ Does 1 to 50

d. ☒ The defendants who entrusted the motor vehicle are (names): TRI TECH RESTORATION CO., INC.

☒ Does 1 to 50

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): FLORENTINO CANTERO

☒ Does 1 to 50

f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are ☐ listed in Attachment MV-2f ☐ as follows:

☐ Does to

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ET AL

CASE NUMBER:

SECOND CAUSE OF ACTION—General Negligence  
(number)

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ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): EVANGELINA ZAVALA; MARCOS ZAVALA, a minor; MANUEL ZAVALA; and  
LEONARDO PRADO, a minor  
alleges that defendant (name): TRI TECH RESTORATION CO., INC., FLORENTINO CANTERO  
AND

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): May 28, 2019

at (place): SR-126 E/B (East Telegraph Road) just east of Cavin Road in the unincorporated area of Ventura, County of Ventura, State of California  
(description of reasons for liability):

At said time and place, the defendants, and each of them, so negligently and carelessly entrusted, managed, maintained, drove or caused to be driven their certain white 2003 Chevrolet Silverado, license number 7G51054, so as to proximately cause their vehicle to collide with the black 2019 Toyota Tacoma, California license number AF30S68, owned and operated by plaintiff, thereby causing the hereinabove described injuries and damages to plaintiffs.

In doing so, defendant violated various statutes, codes, ordinances, safety orders and other regulations.

Said rules were designed to protect persons such as plaintiffs. By violating said rules, defendants negligently and proximately caused plaintiffs' injuries and damages. Defendants were negligent per se.

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CASE NUMBER:

CAUSE OF ACTION ---- NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

THIRD CAUSE OF ACTION

(STATUTORY VIOLATION)

Plaintiff EVANGELINA ZAVALA is the mother of plaintiff MARCOS ZAVALA.

At the time MARCOS was violently and directly injured by the acts of  
defendants, and each of them, EVANGELINA ZAVALA was in the zone of danger  
and was a direct and contemporaneous witness to the injuries sustained by  
her son.

As a result of defendant FLORENTINO CANTERO's negligence, EVANGELINA  
ZAVALA suffered and continues to suffer from this negligent infliction of  
emotional distress. As a result of this serious emotional distress,  
pursuant to Dillon v. Legg (1968) 68 CalApp. 2d 728, EVANGELINA ZAVALA is  
entitled to damages in an amount as yet not fully ascertained but in excess  
of the minimum jurisdiction of this court. Accordingly, Plaintiffs will  
seek prejudgment interest, pursuant to the provisions of California Civil  
Code Section 3291

(Required for verified pleading) The items on this page stated on information and belief (specify item numbers, not line numbers):

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